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FILED

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

08 AUG -4 AM 10:11

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan CRUZ-Ortega,

Defendant(s)

Magistrate Case No.

'08 MJ 2399

COMPLAINT FOR VIOLATION OF:

Title 8 U.S.C., Sec. 1324 (a)(2)(B)(iii)  
Bringing in Illegal Aliens Without  
PresentationCLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

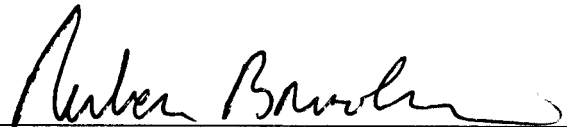
The undersigned complainant, being duly sworn, states:

On or about **August 1, 2008**, within the Southern District of California, defendant **Juan CRUZ-Ortega**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Enrique GALVAN-Perez, Arturo HERNANDEZ-Lopez, and Calletano MARTINEZ-Blanco**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James Trombley  
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4th DAY OF AUGUST 2008

Ruben B. Brooks  
UNITED STATES MAGISTRATE JUDGE

DOA 8/11/08 JAH

**CONTINUATION OF COMPLAINT:****Juan CRUZ-Ortega****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Enrique GALVAN-Perez, Arturo HERNANDEZ-Lopez, and Calletano MARTINEZ-Blanco** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On August 1, 2008, Border Patrol Agent J. Gonzalez was conducting line watch operations in the Imperial Beach Border Patrol area of operations. At approximately 1:40 a.m. the Inside Scope Operator, Border Patrol Agent M. Moriarty relayed, via service radio that a group of thirteen individuals were running north from the International Boundary in an area known as "Spooner's Cross". "Spooner's Cross" is located approximately four miles west of the San Ysidro Port of Entry, and two hundred yards north of the Mexico/United States international Boundary. Agent Gonzalez responded to the scene and after running down the side of a very steep ravine, he conducted a brief search of the area.

While searching the area, Agent Gonzalez noticed one individual, later identified as defendant **Juan CRUZ-Ortega**, ahead of the rest of the group motioning for other members of the group to get down. As Agent Gonzalez approached the individual, he discovered all thirteen individuals trying to conceal themselves in the dense brush.

Due to the observation of the inside scope operator, the time of day, and the fact that this area is commonly used by undocumented aliens trying to further their illegal entry into the United States, Agent Gonzalez identified himself as a United States Border Patrol agent and conducted an immigration inspection. Each of the Individuals, including CRUZ-Ortega, admitted to being citizens and nationals of Mexico not in possession of documents that would allow them to enter or remain in the U.S. legally. At 1:50 a.m. Agent Gonzalez arrested the individuals and all were subsequently transported to the Imperial Beach Border Patrol Station for further processing.

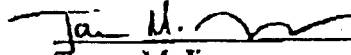
**DEFENDANT STATEMENT:**

Defendant **Juan CRUZ-Ortega** admitted to being a citizen and national of Mexico present in the United States without legal documentation to enter or remain in the United States legally. CRUZ stated that he illegally crossed the United States / Mexico International Boundary with the group of twelve undocumented aliens he was illegally guiding into the United States. CRUZ stated that he was simply crossing the group and then he was heading towards San Francisco, but that he was guiding today's group in lieu of payment of the smuggling fee. CRUZ further stated that he was given a cellular telephone which he was using to follow directions, from a spotter on the south side, on where to and when to hide the group to avoid being detected from the Border Patrol. He also stated that he knew it was dangerous to cross in the area due to steep hill, but he needed to do it anyway.

**CONTINUATION OF COMPLAINT:****Juan CRUZ-Ortega****MATERIAL WITNESSES STATEMENTS:**

Material Witnesses Enrique GALVAN-Perez, Arturo HERNANDEZ-Lopez, and Calletano MARTINEZ-Blanco stated that they are citizens and nationals of Mexico illegally present in the United States. They stated that they did not have any immigration documents allowing them to be in the United States legally. All the material witnesses stated that they were to pay between \$3,000.00 Mexican Pesos to \$3,000.00 U.S. dollars to be smuggled to various parts of California. When shown a photographic lineup containing six individuals, all three material witnesses identified defendant Juan CRUZ-Ortega as the foot guide.

Executed on August 2, 2008, at 10:00 a.m.

  
Tomas M. Jimenez  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on August 1, 2008, in violation of Title 8, United States Code, Section 1324.

  
Anthony J. Battaglia  
United States Magistrate Judge

8/2/08 11:40am  
Date/Time